

**REGULAR MEETING OF CITY COUNCIL  
DECEMBER 16, 2008**

**1:30 P.M.**

**PRESENT:**

Jeff Brain  
Leon DeWeese  
Charles Gillingham  
Marvin Dickson  
Robert Vinyard

Mayor  
Council Member  
Council Member  
Council Member  
Council Member

**STAFF:**

Wanda Klause  
Eddie Edwards  
Larry Mullenix  
Danny Richards  
Ted Dodd  
Ralph Earles

City Manager  
Assistant City Manager  
Planning & Zoning  
Director – EOC  
Director of Public Works  
Asst. to Director of Public  
Works  
Police Chief  
Police Captain  
Fire Chief

Jimmie Adams  
Bruce Roberts  
Bob Watson

**VISITORS:**

Randy Hatfield  
Judy Flanders  
Brandy Callahan  
Johnny Blommear  
Clestia Collins  
David Ayers  
Larry Barnes  
Ray Ooley  
John Ray  
Judy Mihm  
Robert Fry  
Julia Kasch  
Ralph White  
Amy Fernandez  
Raquel Rodriguez  
Sara Rodriguez  
Sara Bumgarner

**NEWS MEDIA:**

Michelle Berry

Borger News Herald

**QUESTIONS OR COMMENTS:** None.

**MINUTES APPROVED:** Following review of the minutes of the regular meeting of December 2, 2008, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve the minutes as written. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

**PAYMENT OF EXPENDITURES APPROVED:** The expenditures for the first half of December were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to approve payment of the expenditures for the first half of December as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

**DONATION OF TWO GRANITE BENCHES APPROVED:** City Manager Wanda Klause advised the Council of two granite benches which were placed at Cofield Community Center. Klause said the benches were a gift from Ernest Warren, Highland Park Cemetery, to commemorate the legacy of R.G. Cofield and of Booker T. Washington School. Mayor Brain presented a Certificate of Appreciation to Mr. Warren for his generous donation. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to accept the donation of the granite benches with gratitude. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

**AGREEMENT BETWEEN THE NATIONAL PARK SERVICE AND THE CITY OF BORGER FOR MUTUAL LAW ENFORCEMENT ASSISTANCE**

**APPROVED:** Police Chief Jimmy Adams said the purpose of the agreement between the National Park Service and the City of Borger is to establish the terms and conditions under which the parties will provide mutual law enforcement assistance in and near Lake Meredith National Recreation Area. The agreement is valid for five years from the date of execution. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to approve the agreement between the National Park Service and the City of Borger for mutual law enforcement assistance as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

**RESOLUTION NO. R-021-08 AUTHORIZING PARTICIPATION IN PROJECT CONSTRUCTION COSTS AND APPROVING AN AMENDMENT TO THE CITY'S CONJUNCTIVE USE GROUNDWATER SUPPLY AGREEMENT WITH CRMWA:**

Assistant City Manager Eddie Edwards stated that during the regular meeting of November 18, 2008 the Council received and approved a Notice of Intent from the Canadian River Municipal Water Authority to participate in project construction costs and amend the Conjunctive Use Groundwater Supply Agreement. Mr. Edwards stated that Resolution R-021-08 is the formal documentation needed as a result of that action. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve Resolution R-021-08 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The resolution reads as follows:

**R-021-08**

**A RESOLUTION BY THE CITY OF BORGER, TEXAS, AUTHORIZING PARTICIPATION IN THE AMOUNT OF PROJECT CONSTRUCTION COSTS FOR THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY AND THE APPROVAL OF AN AMENDMENT TO THE CITY'S CONJUNCTIVE USE GROUNDWATER SUPPLY AGREEMENT WITH THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY**

WHEREAS, the City of Borger, Texas (the "City") has entered into that certain Agreement for the Purchase and Acquisition of Conjunctive Use Groundwater Supply (the "Agreement") entered into as of May 15, 1996, as amended, with the Canadian River Municipal Water Authority (the "Authority"); and

WHEREAS, the Authority has entered similar agreements with each of the other cities that are members of the Authority (the "Member Cities"); and

WHEREAS, the Authority issued its Canadian River Municipal Water Authority Contract Revenue Bonds, Series 1996 (Conjunctive Use Groundwater Supply Project); Canadian River Municipal Water Authority Contract Revenue and Refunding Bonds, Series 1999 (Conjunctive Use Groundwater Supply Project); Canadian River Municipal Water Authority Contract Revenue Bonds, Series 2005 (Conjunctive Use Groundwater Supply Project); Canadian River Municipal Water Authority Contract Revenue Refunding Bonds, Series 2005 (Conjunctive Use Groundwater Supply Project); and Canadian River Municipal Water Authority Contract Revenue Bonds, Series 2006 (Conjunctive Use Groundwater Supply Project); and

WHEREAS, the Agreement requires certain notice requirements before the Authority may issue Additional Bonds, as defined in the Agreement; and

WHEREAS, the Authority has given notice, as required under the Agreement, that it needs to issue an amount not to exceed \$21,600,000 in Additional Bonds for infrastructure in the well field for the Conjunctive Use Groundwater Supply Project (the "Project"); and

WHEREAS, the additional amount needed in Project Construction Costs, exclusive of Financing Costs, is \$21,100,000; and

WHEREAS, to reduce the amount of bonds to be issued, the City agrees to the use of the Authority's operating reserves on the Project to fund the debt service reserve fund for the Bonds; and

WHEREAS, the City agrees that the infrastructure for the wellfield should be constructed and acquired and the Canadian River Municipal Water Authority Contract Revenue Bonds, Series 2009 (Conjunctive Use Groundwater Supply Project) should be issued for such purpose in a principal amount not to exceed \$21,600,000 (the "Series 2009 Bonds"); and

WHEREAS, the City agrees that the Authority may issue the Series 2009 Bonds on or after January 14, 2009.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

SECTION 1. That the City agrees that the proposed total amount of Project Construction Costs for the infrastructure for the wellfield to be constructed and acquired with the Project Construction Costs, exclusive of Financing Costs, should not exceed \$21,100,000, and a total par amount for the Canadian River Municipal Water Authority Contract Revenue Bonds, Series 2009 (Conjunctive Use Groundwater Supply Project) should be issued for such purpose in a principal amount not to exceed \$21,600,000, with the Authority contributing the amount necessary for the funding of the debt service reserve fund.

SECTION 2. That the City has received notice and waives the timing requirement of Section 4.1 of the Agreement and agrees that the Authority may issue the Series 2009 Bonds on or after January 14, 2009.

SECTION 3. That Amendment No. 4 to Agreement for the Purchase and Acquisition of Conjunctive Use Groundwater Supply is hereby approved.

SECTION 4. That the City Secretary be and is hereby authorized to deliver certified copies of this Resolution and minutes pertaining to its adoption and Amendment No. 4 to Agreement for the Purchase and Acquisition of Conjunctive Use Groundwater

Supply to the Secretary of the Canadian River Municipal Water Authority in such numbers as may be requested for said Authority's records and proceedings.

\*\*\*\*\*

**PUBLIC HEARING CONDUCTED ON PROPOSED HISTORIC LANDMARK AND DISTRICT ZONING ORDINANCE:** Director of Planning and Zoning Larry Mullenix briefed the Council relative to the ordinance's content and invited Randy Hatfield, member of the Historic Landmark and District Zoning Ordinance Committee, to make his presentation in support of the ordinance. Following the presentation, Mayor Brain opened a public hearing to hear comments from citizens.

Those individuals speaking in support of the ordinance cited the following reasons:

- pave the way for a city to become a Certified Local Government
- allow the city to apply for preservation grants for historic landmarks
- slow and/or prevent the loss of historic properties
- provide assistance and tax incentives to local property owners

Those individuals speaking against the ordinance cited the following reasons:

- give up control over modification and/or re-modeling of their property
- cost of obtaining a Certificate of Appropriateness
- what and who would be responsible for the cost to administer the ordinance
- concerned about the effect on new construction within the historical district

Following an open discussion Mayor Brain advised that the Council would take all comments and suggestions under advisement.

**WORKSESSION SCHEDULED:** Council Member Vinyard submitted a written request for a work session to the Council for consideration. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to schedule a work session after the regular session at 1:30 p.m. January 6, 2009. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

**EXECUTIVE SESSION:** Mayor Brain stated that in compliance with Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, the Council would retire into executive session relative to Section 551.071, Consultation with Attorney, and Section 551.074, Personnel Matters.

(a) Update on settlement – Xcel 2008 PUC Rate Case

(b) Discuss formation and staffing of a Police Reserve Program

**COUNCIL RETURNED TO OPEN SESSION:** Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council received an update on the Xcel 2008 PUC Rate Case and discussed the formation and staffing of a Police Reserve Program. No decisions were made and no action was taken.

**POLICE RESERVE PROGRAM APPROVED:** The Mayor stated that the formation and staffing of a Police Reserve Program was discussed during Executive Session. Motion was made by Council Member Vinyard, seconded by Council Member Dickson, to allow Police Chief Jimmy Adams to form a Police Reserve Program and staff it with up to ten officers. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**MEETING ADJOURNED:** Motion was made by Council Member Dickson, seconded by Council Member Gillingham, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

---

Mayor

ATTEST:

---

City Manager